

## **REMARKS**

As a preliminary matter, Applicants thank the Examiner for the acknowledgement of allowable subject matter in claims 3, 8, 11, and 16. Applicants have thus rewritten these dependent claims in independent form, and submit that all four claims are now in condition for allowance for at least this reason.

As a second preliminary matter, Figs. 1 and 6-7 stand objected to for informalities. Accordingly, Applicants have included herewith marked-up copies of these drawings, with the proposed changes shown in red. As can be seen from the proposed changes, Applicants have corrected the typographical errors noted in Figs. 1 and 6. Applicants have also rewritten the full text description of element number 2 in Fig. 1 from its abbreviated form, although Applicants submit that the original form was proper and clear.

With respect to Fig. 7, however, Applicants have only amended this drawing to add the lead line for element 4-2, which was inadvertently omitted from the original drawing.

Applicants otherwise traverse the objections to Fig. 7, because all of the elements shown are clearly identified in the Specification by their proper numerical designations, without ambiguity. The text descriptions of all of these elements may be found on at least page 13 of the present Application, for example. For all of these reasons, Applicants respectfully request reconsideration and withdrawal of the objections to the drawings.

As a third preliminary matter, claims 1-18 stand objected to for informalities. Specifically, the Examiner asserts that the phrase “and comprising” should alternatively read as “said method comprising.” Although Applicants submit that the original claim language

cited by the Examiner is sufficiently clear and entirely appropriate, Applicants have nevertheless amended claim 1 according to the Examiner's suggestions in order to expedite prosecution, and because patentability and the scope of the claims will not be affected by such superficial changes. With respect to claim 9, however, Applicants have not amended the claim according to the Examiner's suggestions because claim 9 is drawn to a device claim, and not a method claim, as appears to be asserted by the Examiner. Applicants submit that claim 9 cannot be therefore amended according to the Examiner's suggestions. Applicants have otherwise amended claims 1 and 9 (as well as the newly independent claims discussed above) to correct typographical and/or grammatical errors which were not cited by the Examiner. Reconsideration and withdrawal of the objections to the claims are respectfully requested.

Claims 1-2, 4-7, 9-10, and 17-18 stand rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's Admitted Prior Art ("the AAPA"). Applicants respectfully traverse this rejection because the AAPA does not disclose or suggest that the read data or the rewritten data is saved, and that such saved data is registered as alternate data when a writing has failed, as in claims 1 and 9 of the present invention, as amended.

The AAPA discloses a writing operation that includes four main elements. First, the data of an address that is specified with a second sector length is read from a storage medium defined by a first sector length. Second, data read by the first sector length is rewritten into data defined by a second sector length. Third, this rewritten data is written to the storage medium. Fourth, this rewritten data is then written to an alternate area of the

storage medium when the writing has failed. It is important to note that the AAPA specifically teaches that this rewritten data is written to an alternate *area*, and not as alternate data, as asserted by the Examiner on page 5 of the outstanding Office Action (Paper No. 5).

In contrast, independent claims 1 and 9 of the present invention as amended both recite, among other things, that the read/rewritten data is registered as alternate data, which is quite different from the description in the AAPA cited by the Examiner, which merely describes that the rewritten data is written to an alternate area of the storage medium. In other words, registering data as alternate data is not the same as writing data to an alternate *area* of a storage medium. In at least this respect, independent claims 1 and 9 of the present invention are different from the fourth element of the AAPA cited by the Examiner, discussed above, and therefore the AAPA cannot read upon these claims. Accordingly, for at least these reasons, the Section 102 rejection of independent claims 1 and 9 should be withdrawn.

In addition to the different fourth element, claims 1 and 9 on the present invention both feature an element that is not disclosed or suggested by the AAPA. Specifically, claims 1 and 9 both feature that, before the read/rewritten data is registered as alternate data, the read/rewritten data is first saved into a memory, as in claim 1, or into a storage area, as in claim 9. Both the memory of claim 1 and the storage area of claim 9 are recited as separate and distinct features from the storage medium, which medium is also recited in both claims. The AAPA does not teach or suggest this additional feature of the present invention, that the read/rewritten data is saved into a memory/storage area before also

being registered as alternate data. Accordingly, for at least these additional reasons, the Section 102 rejection of independent claims 1 and 9 based on the AAPA is again respectfully traversed.

In the interests of expediting prosecution though, claim 1 of the present invention has been amended herein to clarify that the saved data is saved into a memory, and that it is this saved and memorized data which is registered as alternate data in claim 1, or that it is the saved and stored data which is registered as alternate data in claim 9. Applicants submit that these minor clarifications better clarify those features of the present invention discussed above as further distinct from the features in the AAPA cited by the Examiner. In other words, these amendments further clarify that at least two elements of the present invention do not read upon the four basic elements described in the prior art, at least one of which is particularly distinct from the recited feature of the present invention the Examiner deems to be analogous. Accordingly, for even these still further reasons, the Section 102 rejection is respectfully traversed.

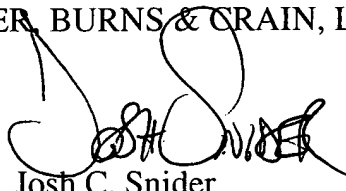
Claims 2 and 4-7 depend from independent claim 1, and claims 10, 12-15, and 17-18 depend from independent claim 9, and therefore all of these dependent claims include all of the features of their respective base claim, plus additional features. Accordingly, Applicants respectfully traverse the rejection of these claims for at least the reasons discussed above in traversing the rejection of their respective base claim.

For all of the foregoing reasons therefore, Applicants submit that this Application, including claims 1-18, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By

A handwritten signature in black ink, appearing to read "J. C. Snider", written over the printed name.

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IN THE DRAWINGS:

Please approve the drawing changes as shown in red in the attached marked-up copies of Figs. 1 and 6-7. A separate Letter to the Draftsman indicating the same proposed drawing changes is enclosed herein.



FIG.1

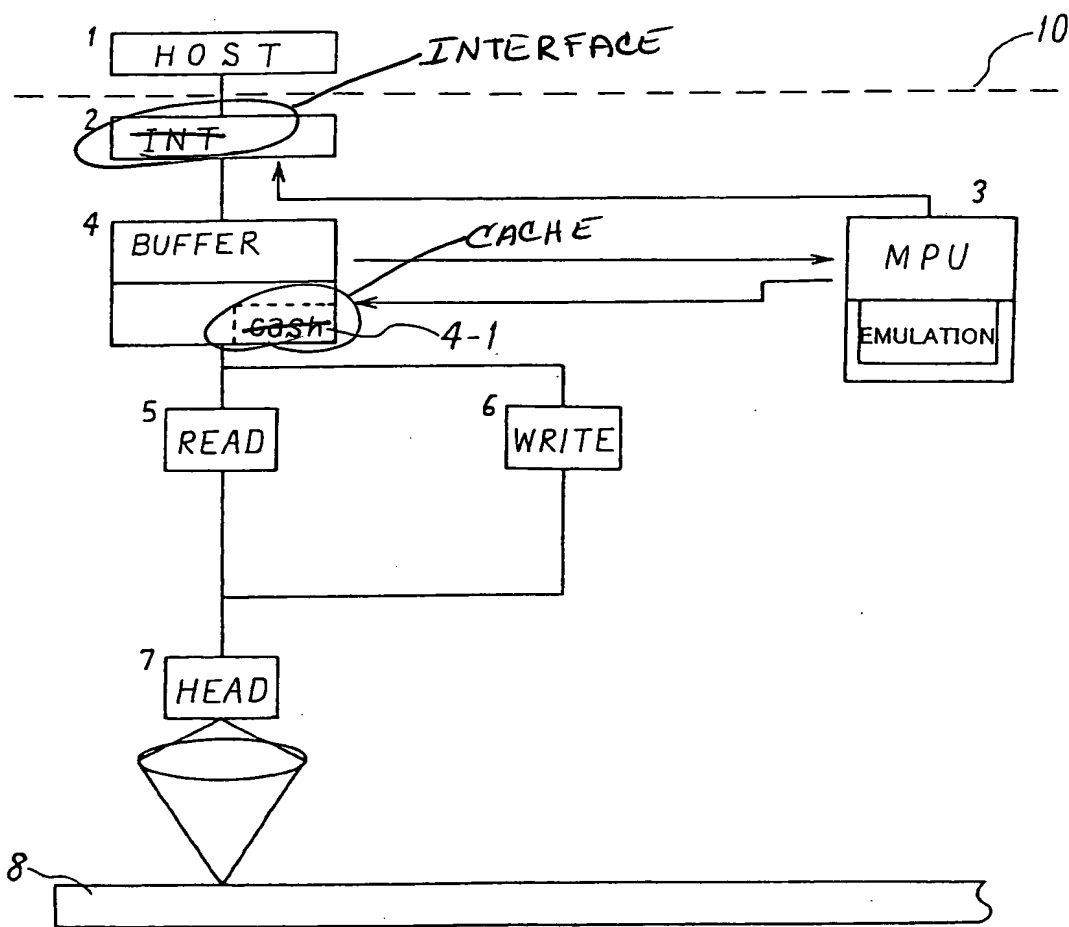
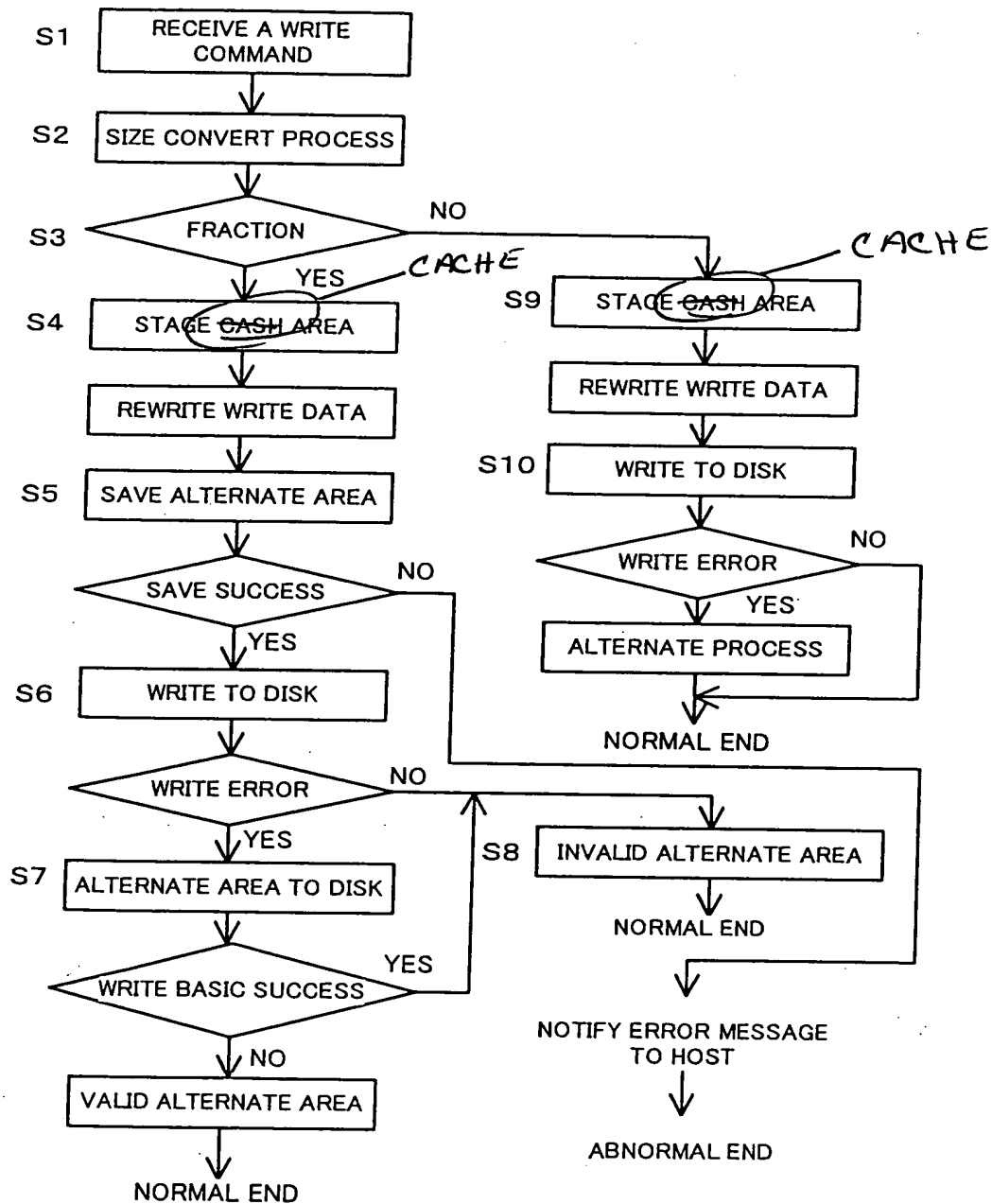




FIG. 6





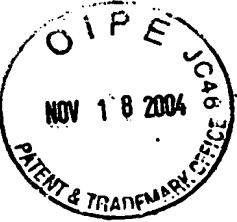


FIG.7

